

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventor:	Akihiko NISHIO et al.	Art Unit 2617
Appln. No.:	10/568,672	Exr. N. Huynh
Filed:	February 17, 2006	Conf. No. 2716
For:	RADIO COMMUNICATION APPARATUS AND SUBCARRIER ASSIGNMENT METHOD	

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents  
Alexandria, VA 22131

Dear Sir:

Pursuant to Rules 56 and 99, Applicants hereby call the attention of the Patent Office to the art listed on the attached Form PTO 1449. Attached is a Japanese Office Action dated March 2, 2010, which issued in a corresponding Japanese Patent Application. References "MC-CDM System for Packet Communications Using Frequency Scheduling" and "Frame Configuration and Control Scheme in MC-DCM Systems with Frequency Scheduling" were previously cited in the Information Disclosure Statement of February 17, 2006.

The cited art not previously listed in an Information Disclosure Statement is listed in the attached PTO-1449 for an indication of consideration by the examiner. Copies of any references listed on the PTO-1449, besides U.S. patent documents, are submitted herewith.

Applicants present this art so that the Patent Office may, in the first instance, determine any relevancy thereof to the presently claimed invention; see *Beckman Instruments, Inc. v. Chemtronics, Inc.*, 439 F.2d 1369, 1380, 165 USPQ 355, 364 (5th Cir. 1970).

Applicants respectfully request that this art be expressly considered during the prosecution of this application and made of record herein and appear among the "References Cited" on any patent to issue herefrom.

If any additional fee is due please charge it to Deposit Account 04-1061.

Respectfully submitted,

/James Edward Ledbetter/

Date: August 10, 2010

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JEL/sef

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